

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

BYRON SCOTT,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NO. CIV-06-0725-HE
	)	
COMANCHE COUNTY	)	
DETENTION CENTER, et al.,	)	
	)	
Defendants.	)	

**ORDER**


This case is before the court on the Report and Recommendation of Magistrate Judge Robert E. Bacharach. [Doc. #12]. Plaintiff, a state prisoner appearing pro se, brings this action pursuant to 42 U.S.C. § 1983. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Judge Bacharach for review. On August 24, 2006, Judge Bacharach issued his Report and Recommendation, recommending that the case be dismissed for failure to plead exhaustion of available administrative remedies.

Plaintiff has not filed an objection to the Report and Recommendation. Therefore, further review of the issues contained therein is waived. United States v. One Parcel of Real Prop., 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(c); LCvR72.1(a). For this reason, and for the reasons contained in the Report and Recommendation, the court concludes the case should be dismissed.

Accordingly, the Report and Recommendation is **ADOPTED** in its entirety. This case is **DISMISSED** without prejudice for failure to plead exhaustion of available administrative remedies.

**IT IS SO ORDERED.**

Dated this 29<sup>th</sup> day of September, 2006.



---

JOE HEATON  
UNITED STATES DISTRICT JUDGE